

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *ml* D.C.

05 SEP 15 PM 5:35

JANETTE Y. SMITH,  
Plaintiff,

vs.

TRANSUNION CREDIT SERVICES,  
Defendant.

X  
X  
X  
X  
X  
X  
X  
X  
X  
X

No. 05-2466-Ma/P

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENN.

ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS  
AND  
ORDER DIRECTING PLAINTIFF TO PAY THE \$250 CIVIL FILING FEE

Plaintiff Janette Y. Smith filed a pro se complaint pursuant to 15 U.S.C. § 1681a(c) on June 30, 2005, along with a motion seeking leave to proceed in forma pauperis and an affidavit of indigence.

Federal law provides that the "clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of" \$250. 28 U.S.C. § 1914(a).<sup>1</sup> To ensure access to the courts, however, 28 U.S.C. § 1915(a) permits an indigent plaintiff to avoid payment of filing fees by filing an in forma pauperis affidavit. Under that section, the Court must conduct a satisfactory inquiry into the plaintiff's ability to pay the filing fee and prosecute the lawsuit. A

<sup>1</sup> Effective March 7, 2005, the civil filing fee was increased to \$250.

plaintiff seeking in forma pauperis standing must respond fully to the questions on the Court's in forma pauperis form and execute the affidavit in compliance with the certification requirements contained in 28 U.S.C. § 1746. See, e.g., Reynolds v. Federal Bur. of Prisons, 30 Fed. Appx. 574 (6th Cir. Mar. 11, 2002); Broque v. Fort Knox Fed. Credit Union, No. 86-1896, 1997 WL 242043 (6th Cir. May 8, 1997).

The information set forth in the plaintiff's papers does not establish that she is indigent and unable to pay the filing fee or to give security therefor. Instead, it appears from the information submitted by the plaintiff that the plaintiff's monthly income exceeds her expenses by a substantial amount. Accordingly, the motion to proceed in forma pauperis is DENIED. The plaintiff is ORDERED, within thirty (30) days of the date of entry of this order, to pay the \$250 civil filing fee. Failure to timely comply with this order will result in dismissal of this action, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 14th day of September, 2005.



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SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02466 was distributed by fax, mail, or direct printing on September 16, 2005 to the parties listed.

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Janette Y Smith  
4005 Rhodes Avenue  
Memphis, TN 38111

Honorable Samuel Mays  
US DISTRICT COURT